

REMARKS

I. Introduction

Claims 11 to 23 are pending in the present application. No amendment has been presented.

Applicants respectfully request that the Examiner provide the following in the next Office Action: a) acknowledgment of the claim for foreign priority; and b) an indication whether certified copies of the priority documents have been received.

II. Rejection of Claims 11, 12, 17, and 18 (in view of Normann and Brambilla)

Claims 11, 12, 17, and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,828,905 ("Normann") in view of U.S. Patent No. 6,758,495 ("Brambilla"). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). In addition, as clearly indicated by the Supreme Court, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. See KSR Int'l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Independent claim 11 recites, in relevant parts, “triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout.” Independent claim 17 recites substantially similar limitation as the above-recited limitation of claim 11.

In support of the rejection, the Examiner contends that Normann teaches “[a] pressure sensor for continuously monitoring the pressure of at least one tire and an analysis unit for analyzing the pressure of the at least one tire.” (Office Action, p. 2). The Examiner further contends that although “Normann doesn’t specifically disclose triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout, . . . Brambilla discloses triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated.” (Office Action, pp. 2 and 3). However, Applicants respectfully submit that the overall teachings of Normann and Brambilla clearly do not support the obviousness rejection, as explained in detail below.

The Office Action admits that “**Normann doesn’t specifically disclose** triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout,” (Office Action, p. 2), which features are recited in claims 11 and 17. Furthermore, contrary to the Examiner’s assertion, Brambilla does not actually teach “**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein **exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout**”; instead, Brambilla merely indicates that the triggering of the seat belt tensioner depends on **a combination of**

signals from a forward looking detection system D1 and an occupant position detection system D2, which signals include “steering angle, distance from an object, relative velocity, vehicle deceleration, yaw angle, yaw rate, yawing acceleration, vehicle’s own speed, steering angle, sharp changes in direction, jump in the adhesion coefficient, lateral acceleration, wheel speed and/or angle of inclination or any combination of these parameters.” (See, e.g., Brambilla, col. 3, l. 65 to col. 4, l. 5; col. 5, ll. 43 to 50; and Figure 1A). Thus, it is plainly apparent that **loss of tire pressure** is not among the above-listed signals of Brambilla, and it is clearly indicated that the **triggering of the seat belt tensioner does not take place unless at least one of the above-listed signals indicates a probability of collision**. Accordingly, Brambilla does not disclose, or even suggest, that the triggering of the seat belt tensioner is **dependent on the tire pressure signal**, let alone **solely** dependent on the tire pressure sensor signal, or **solely** dependent on the tire pressure signal **corresponding to a tire blowout**. Therefore, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Normann and Brambilla (with which assumption Applicants do not agree), the overall teachings of Normann and Brambilla would not suggest the claimed feature of “**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein **exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout**.”

For at least the foregoing reasons, claims 11 and 17, as well as their dependent claims 12 and 18, are allowable over the proposed combination of Normann and Brambilla.

III. Rejection of Claims 13 to 16, and 19 to 23 (in view of Normann, Brambilla, and Stopczynski)

Claims 13 to 16, and 19 to 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,828,905 (“Normann”) in view of U.S. Patent No. 6,758,495 (“Brambilla”), further in view of U.S. Patent No. 6,519,519 (“Stopczynski”). Applicants respectfully submit that this rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id., at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

claims 13-16 ultimately depend on claim 11, and claims 19-23 ultimately depend on claim 17. As noted above, independent claim 11 recites, in relevant parts, “triggering activation of at least one system that is assigned to a seat of the vehicle occupant and is configured to be reversibly activated, if the value of the loss of the tire pressure of at least one tire exceeds a threshold value, wherein exceeding of the threshold value corresponds to a sudden pressure loss occurring in a tire blowout.” Independent claim 17 recites substantially similar limitation as the above-recited limitation of claim 11.

In support of the rejection, the Examiner contends that although “the combination of Normann as modified in view of Brambilla does not specifically further teach a crash evaluation circuit, wherein a signal indicating the exceeding of the threshold value is sent to the crash evaluation circuit for use as a parameter indicating an existence of imminent possibility of an accident, . . . Stopczynski discloses the use of a sensor complex (Element 18) that detects tire pressure as a parameter indicating an existence of imminent possibility of an accident using a threat assessor (Element 16).” (Office Action, pp. 3 and 4). However, Applicants respectfully submit that the overall teachings of Normann, Brambilla, and

Stopczynski clearly do not support the obviousness rejection, as explained in detail below.

As more fully set forth above, the proposed combination of Normann and Brambilla does not actually teach “**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**,” as recited in claims 11 and 17. Furthermore, Stopczynski does not cure the critical deficiencies of the proposed combination of Normann and Brambilla. Specifically, Stopczynski does not teach that the triggering of the reversible restraint means is solely dependent on the tire pressure sensor signal, let alone solely dependent on the tire pressure sensor signal corresponding to a tire blowout; instead, Stopczynski merely mentions that sensor system 18 includes a tire pressure sensor, (col. 4, l. 44), but there is no indication regarding how the signal from the tire pressure sensor is used by the passive countermeasure system 26, let alone any suggestion that a tire pressure sensor signal corresponding to a tire blowout is used by the passive countermeasure system 26 as the sole criterion for triggering the pretensioner (see, e.g., col. 6, l. 1-10). Therefore, even if one assumed for the sake of argument that some motivation existed for combining the teachings of Normann, Brambilla, and Stopczynski (with which assumption Applicants do not agree), the overall teachings of Normann, Brambilla, and Stopczynski would not suggest the claimed feature of “**triggering activation** of the at least one system that is assigned to the seat of the vehicle occupant, **if the value of the loss of the tire pressure of the at least one tire exceeds the threshold value**, wherein exceeding of the threshold value **corresponds to a sudden pressure loss occurring in a tire blowout**.”

For at least the foregoing reasons, claims 13 to 16, and 19 to 23, which ultimately depend from claims 11 and 17, are allowable over the proposed combination of Normann, Brambilla, and Stopczynski.

IV. Conclusion

In view of all of the above, it is respectfully submitted that all of the presently pending claims 11 to 23 are in allowable condition. Prompt reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

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